

REMARKS/ARGUMENTS

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Johansson et al. (US 6,947,394, "Johansson" hereinafter).

5 Response:

The applicant would like to point out the patentable features of Claim 1 with respect to Johansson. Claim 1 recites four steps performed by the receiver in a communications system.

10 Step 1: "sending a first status report to the sender in response to a first trigger".

Step 2: "initiating a roundtrip timer".

Step 3: "after expiry of the roundtrip timer, receiving a predetermined AMD PDU before all negatively acknowledged AMD PDUs identified in the first status report are received at the receiver".

15 Step 4: "determining that a second status report is required".

Regarding step 3, the Examiner has stated that Johansson teaches the claimed limitation "*after expiry of the roundtrip timer, receiving a predetermined AMD PDU before all negatively acknowledged AMD PDUs identified in the first status report are received at the receiver*" in column 5, lines 53-55, where Johansson states "*When the EPC count reaches zero and not all requested PUs have been received correctly, a new S-PDU is transmitted and the EPC is reset accordingly. The EPC timer is then restarted.*" However, what the Examiner is referring to as the roundtrip timer is actually the EPC timer in Johansson rather than the EPC, i.e. the Estimated PDU Counter. In other words, roundtrip timer expiry should correspond to the EPC timer expiry rather than when the EPC count reaches zero as contended by the Examiner. The EPC timer and EPC are different, as will be explained in greater detail below.

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The EPC scheme is disclosed by Johansson in column 5, lines 41-56. It is quoted below: “Essentially, the receiving side sends a status report to the transmitting entity if the receiving side receives a poll. The status report is transmitted to the transmitting side immediately, except if the Estimated PDU Counter (EPC) is running. The EPC is a counter that is decremented each transmission time interval with the estimated number of PUs that should have been transmitted during that interval. If a receiver detects missing PDUs, the receiver sends an S-PDU to the transmitter and sets the EPC equal to the number of requested PUs. The EPC timer controls the maximum amount of time that the EPC has to wait before it starts counting down. When the EPC count reaches zero and not all requested PUs have been received correctly, a new S-PDU is transmitted and the EPC is reset accordingly. The EPC timer is then restarted.”

From the above quotation from Johansson, we can list the steps of Johansson’s method as comprising:

- A. sending a first status report to the sender in response to a first trigger (column 5, lines 42-43 and 48-49);
- B. setting an EPC equal to the number of requested PUs (column 5, lines 50-51);
- C. initiating a roundtrip timer (column 5, lines 51-52);
- D. after expiry of the roundtrip timer, decrementing the EPC each transmission time interval with the estimated number of PUs that should have been transmitted during that interval (column 5, lines 51-52 and 45-48);
- E. When the EPC count reaches zero and not all requested PUs have been received correctly (column 5, lines 53-54); and
- F. transmitting a new S-PDU (column 5, line 54).

The above list of Johansson’s steps A-F will now be compared with steps 1-4 of

Claim 1. Feature A in Johansson is similar to step 1 of Claim 1. Claim 1 does not include feature B in Johansson. Feature C in Johansson is similar to step 2 in Claim 1. Claim 1 does not include features D and E in Johansson. Finally, Feature F in Johansson is similar to step 4 in Claim 1.

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Note that in features D, E and F, as long as the EPC count reaches zero and not all requested PUs have been received correctly, Johansson will transmit a new S-PDU no matter whether the receiver receives any particular AMD PDUs. For example, when EPC count reaches zero and not all requested PUs have been received correctly while the receiver does not receive any AMD PDUs, Johansson will transmit a new S-PDU. On the other hand, under the same scenario of this example, Claim 1 will NOT send a second status report because the predetermined AMD PDU is not received according to step 3 of Claim 1.

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Besides, after the timer expires and before EPC reaches zero, if the receiver receives any predetermined AMD PDU, such as the AMD PDUs specified in Claims 7-9, and not all requested PUs have been received correctly, Claim 1 will send a second status report while Johansson will not because Johansson needs to wait until EPC reaches zero.

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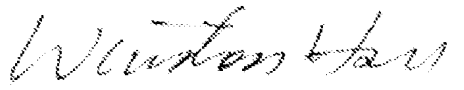
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Due to the above reasons, the behaviors of Johansson and Claim 1 are different from each other, and Claim 1 is patentable since Johansson fails to teach all of the features of Claim 1. Furthermore, Claims 2-17 are dependent on Claim 1, and should be allowed if Claim 1 is allowed. Reconsideration of Claims 1-17 is therefore respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Appl. No. 10/710,418
Amdt. dated October 14, 2008
Reply to Office action of June 30, 2008

Sincerely yours,



Date: 10/14/2008

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